

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F302838

DOUGLAS BOYD, EMPLOYEE	CLAIMANT
PINK BUD NURSING HOME, EMPLOYER	RESPONDENT
CHURCH MUTUAL INSURANCE COMPANY, CARRIER	RESPONDENT

OPINION FILED JULY 7, 2004

Upon review before the FULL COMMISSION, Little Rock, Pulaski County, Arkansas.

Claimant represented by HONORABLE MICHAEL HAMBY, Attorney at Law, Greenwood, Arkansas.

Respondent represented by HONORABLE FRANK NEWELL, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

The claimant appeals from a decision of the Administrative Law Judge filed November 5, 2003.

The Administrative Law Judge entered the following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. On all relevant dates, including September 4, 2002, the relationship of employee-employer-carrier existed between the parties.
3. On all relevant dates, the claimant earned wages sufficient to entitle him to weekly compensation benefits of \$185.00 for total

disability and \$154.00 for permanent partial disability.

4. The claimant has failed to prove by the greater weight of the credible evidence that he sustained a "compensable injury" to his back on September 4, 2002 and/or December 22, 2002. Specifically, he has failed to prove the actual existence of any physical injury or condition affecting this portion of his body that is supported by "objective findings," i.e. the independent observation of findings beyond the claimant's voluntary control.
5. The respondents have denied the occurrence of a "compensable injury" to the claimant's back on September 4, 2002 or any other date. The respondents controvert this claim in its entirety.

We have carefully conducted a de novo review of the entire record herein and it is our opinion that the Administrative Law Judge's decision is supported by a preponderance of the credible evidence, correctly applies the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings of fact made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

Thus, we affirm and adopt the decision of the Administrative Law Judge, including all findings and

conclusions therein, as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

OLAN W. REEVES, Chairman

KAREN H. McKINNEY, Commissioner

Commissioner Turner dissents.